

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

NORTH POINTE INSURANCE COMPANY,

Plaintiff,

and

Case No.:

WILLIAM JOHNSON,

Involuntary Plaintiff,

v.

PILOT TRAVEL CENTERS LLC, and
ABC INSURANCE COMPANY,

Defendants.

NOTICE OF REMOVAL

NOW COMES Defendant Pilot Travel Centers LLC (“Defendant”), by and through its attorneys, MWH Law Group LLP, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and hereby removes the above-captioned cause of action from the Jackson County Circuit Court to the United States District Court for the Western District of Wisconsin.

In support thereof, Defendant states the following:

1. This action was originally filed by Plaintiff, North Pointe Insurance Company (“Plaintiff”) against Defendant on June 1, 2021, in Jackson County Circuit Court, entitled *North Pointe Insurance Company, Plaintiff and William Johnson, Involuntary Plaintiff, v. Pilot Travel Centers LLC, Defendant*, with case number 2021 CV 000065. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint which has been served upon Defendant is attached as **Exhibit No. 1**.

2. Personal service was made upon the Defendant's registered agent on June 4, 2021.

A copy of the Return of Service is attached as **Exhibit No. 2**.

GROUND FOR REMOVAL

3. This case may be removed from Jackson County Circuit Court to the United States District Court for the Western District of Wisconsin pursuant to 28 U.S.C. §§ 1332 and 1441 because there is complete diversity of citizenship between Plaintiffs and Defendant named in the Complaint, and the amount in controversy exceeds \$75,000, exclusive of interest and costs. The United States District Court has original jurisdiction over the litigation filed in state court based on diversity of the parties.

4. This is a civil action in which Plaintiff claims it is entitled to damages resulting from a slip and fall accident which occurred on January 30, 2019 at or near 780 State Hwy 54, Black River Falls, Wisconsin. Plaintiff alleges that it is a "domestic insurance company licensed to do business in the State of Wisconsin, with its principal place of business located at One General Drive, Sun Prairie, Wisconsin 53596, and at all times in question made workers' compensation payments to or on behalf of Involuntary Plaintiff, William Johnson" (**Exhibit No. 1, ¶ 1**). Plaintiff further alleges that "Involuntary Plaintiff Williams slipped and subsequently fell due to the presence of untended snow and ice, and [t]hat Involuntary Plaintiff sustained serious and permanent injuries from his fall. (**Exhibit No. 1, ¶¶ 6,7**).

5. Separately, Defendant has received information that Plaintiff's worker's compensation carrier has made payments for or on behalf of Involuntary Plaintiff William Johnson in an amount in excess of \$75,000.00 and that Plaintiff is seeking damages in an amount in excess of \$75,000.00.

6. On information and belief, as of the date of the incident alleged in the Complaint to the present, Plaintiff is a domestic company with principal offices in Wisconsin. Thus, Plaintiff considered a citizen of Wisconsin for purposes of diversity jurisdiction.

7. On information and belief, as of the date of the incident alleged in the Complaint to the present, Involuntary Plaintiff William Johnson continues to be a resident of Illinois. Thus, Involuntary Plaintiff William Johnson is considered a citizen of Illinois for purposes of diversity jurisdiction.

8. As of the date of the incident alleged in the Complaint to the present, Defendant is a Delaware Corporation with its principal place of business in Tennessee. Thus, Defendant is deemed to be a resident of Delaware and Tennessee for purposes of diversity jurisdiction.

9. Defendant ABC Company is sued under a fictitious name. 28 U.S.C. §1441(b)(1) provides that “the citizenship of defendants sued under fictitious names shall be disregarded.

10. Venue is proper in this District under 28 U.S.C. §1446(a) because this District embraces the place where the removed action was originally filed.

COMPLIANCE WITH REMOVAL PROCEDURES

11. The time for filing this notice of removal has not run because thirty (30) days has not expired since June 4, 2021, the date on which Defendant was served with an Original Summons and Complaint.

12. Counsel that have appeared in the state court are:

James C. Ratzel
3330 North Springdale Road
Brookfield, Wisconsin 53045
Phone: (262) 781-1911
jratzel@ratzel-law.com

13. This Notice of Removal is being served upon the above-named counsel by U.S. Mail and is being filed with the Clerk of Jackson County Circuit Court.

14. Defendant has complied with all procedural requirements for removal set forth in 28 U.S.C. § 1446.

WHEREFORE, Defendant Pilot Travel Centers LLC gives notice that the above-captioned action now pending against Defendants in Jackson County Circuit Court is being removed therefrom to the United States District Court for the Western District of Wisconsin - Milwaukee Division.

Dated in Milwaukee this 6th day of July 2021.

MWH LAW GROUP LLP

Attorneys for Defendant, Pilot Travel Centers LLC

By: /s/ Electronically signed by Vincent Vigil

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 6, 2021, a copy of this document was served upon all parties in the above cause by the **electronic document management/electronic filing system ("ECF")**, which will send notification of such filing to all attorneys of record.

Attorneys for Plaintiff, North Pointe Insurance Company

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/s/Elsa Chavez